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Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions of the United States Court of Customs and Patent Appeals and the United States Customs Court

Vol. 10

OCTOBER 27, 1976

No. 43

NOTICE

This issue contains

T.D. 76-288 through 76-290

Protest abstracts P76/212 through P76/216

Reap. abstracts R76/109 through R76/112

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U.S. Customs Service

Customs Bulletin

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Concerning Customs and Related Matters

and Decisions

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Customs Court



NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.



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Region I-Boston (T.D. 76-288)
 John F. Kennedy Federal Building
 100 Summer Street, Boston, Massachusetts 02110

U.S. Customs Service

(T.D. 76-288)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds) Customs Form 7605

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C.; October 6, 1976.

The following consolidated aircraft bond has been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Name of principal and surety	Date Term Commences	Date of Approval	Filed with area director of Customs; amount
Societe Anonyme Belge D'Exploitation de la Navigation Aérienne, a/k/a Sabena Belgian World Airlines, Lake Success Business Park, 125 Community Dr., Great Neck, NY; Aetna Ins. Co. ¹	Sept. 10, 1976	Sept. 10, 1976	J. F. K. Airport; \$100,000

¹ Surety is Sentry Ins., A Mutual Co.

The foregoing principal has not been designated as a carrier of bonded merchandise.

(BON-3-01)

DONALD W. LEWIS,
 for LEONARD LEHMAN,
 Assistant Commissioner,
 Regulations and Rulings.

(T.D. 76-289)

Freedom of Information—Claims for Liquidated Damages

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., October 7, 1976.

The United States Customs Service has been asked, pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), to make available to the public copies of documents relating to the enforcement of claims for liquidated damages assessed in accordance with section 142.15, Customs Regulations (19 CFR 142.15), which concerns failure to make timely entry, and the collection or cancellation of such claims for liquidated damages under section 172.22(d), Customs Regulations (19 CFR 172.22). These documents are exempt from disclosure to the public under 5 U.S.C. 552(b)(5) and 31 CFR 1.2(c)(1) (v) as intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. However, the Service has determined to waive the exemption from disclosure and to make these documents available to the public on request provided certain percentages relating to the mitigation of claims for liquidated damages are deleted. The documents are listed below.

Circular: ENT-3-PEN, dated September 27, 1972; Subject: Entry of Merchandise; Failure to file timely entries for merchandise released under a Special Permit for Immediate Delivery.

Circular: ENT-3-PEN, dated July 23, 1970; Subject: Entry; Failure to file timely entries for merchandise released under Special Permit.

Circular: ENT-3-AC, dated April 3, 1968; Subject: Entry, Failure to file timely entry for merchandise released under Special Permit (immediate delivery) procedures, including the provisional release procedure instituted at the time of reorganization.

These documents are available for inspection and copying at the offices of the Customs Service listed below:

United States Customs Service (Headquarters)
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

Region I—Boston

John F. Kennedy Federal Building

100 Summer Street

Boston, Massachusetts 02110

Region II—New York

6 World Trade Center

New York, New York 10048

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40 S. Gay Street

Baltimore, Maryland 20202

Region IV—Miami

7370 N.W. 36th Street

Miami, Florida 33166

Region V—New Orleans

1440 Canal Street

New Orleans, Louisiana 70112

Region VI—Houston

500 Dallas Street

Houston, Texas 77002

Region VII—Los Angeles

300 N. Los Angeles Street

Los Angeles, California 90012

Region VIII—San Francisco

450 Golden Gate Avenue

San Francisco, California 94102

Region IX—Chicago

55 East Monroe Street

Chicago, Illinois 60603

The documents are available to the public during regular business hours. A fee for copies of requested material will be charged in accordance with 31 CFR 1.6(g). (592634)

(ADM 3-03:R:E:F)

John F. Kennedy Federal

Building

100 Summer Street

Boston, Massachusetts 02110

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 76-290)

Freedom of Information—Fines, Penalties, and Forfeitures

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 7, 1976.

The United States Customs Service has been asked, pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), to make available to the public copies of documents relating to the processing of petitions for relief from fines, penalties, and forfeitures incurred. These documents are exempt from disclosure to the public under 5 U.S.C. 552(b)(5) and 31 CFR 1.2(c)(1)(y) as intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency and are, for that reason, classified "Official Use Only." However, the Service has determined to waive the exemption from disclosure and to make these documents available to the public on request provided certain multipliers, percentages, and dollar amounts used in determining applicable penalties are deleted. The documents and their subjects are listed below.

Circular: MAN-9-A:MS, dated November 5, 1973; Subject: Management; Fines, Penalties and Forfeitures Program—Program Changes; with the following amendments attached:

- MAN-9-R:E:P, dated January 24, 1974; Subject: Fines, Penalties and Forfeitures Program—Program Changes
- MAN-9-R:E:P, dated May 27, 1974; Subject: Fines, Penalties and Forfeitures Program—Guideline Revision
- MAN-9-R:E:P, dated June 18, 1974; Subject: Fines, Penalties and Forfeitures Program
- ENF-4-R:E:P, dated November 1, 1974; Subject: Fines, Penalties and Forfeitures Program—Program Changes

Circular: ENF-4-R:E:P, dated January 9, 1976; Subject: Fines, Penalties and Forfeitures Program—Voluntary Disclosure Policy—Program Changes.

o Circular: ENF-4-R:E:P, dated December 15, 1975; Subject: Fines, Penalties and Forfeitures Program—Violations of title 19 United States Code, section 1592—Program Changes

Circular: ENF-4-R:E:P, dated October 7, 1975; Subject: Fines, Penalties and Forfeitures—Voluntary Disclosure of Violations Subject to 19 U.S.C. 1592—Program Changes

Circular: ENF-4-R:E:P, dated August 5, 1974; Subject: Guidelines for disposition of violations of 19 U.S.C. 1497

Circular: ENF-4-R:E:P, dated April 30, 1973; Subject: Enforcement; Remission policy in connection with motor vehicle forfeitures

Circular: ENF-4-PEN, dated November 15, 1972; Subject: Enforcement; Remission policy in connection with motor vehicles carrying small, noncommercial quantities of marijuana, hashish and dangerous drugs, including lysergic acid diethylamide (LSD)

Circular: ENF-4-PEN, dated December 20, 1971; Subject: Enforcement; Remission of vehicle forfeitures

Circular: EXP-3-PEN, dated December 28, 1966; Subject: Export Control; Settlement of forfeitures for violations of the export control regulations of the Department of Commerce

Circular: ENF-4-PEN, dated October 29, 1964; Subject: Enforcement; Increased authority of collectors of customs to act on petitions for relief from fines, penalties, forfeitures and liquidated damages assessed under bonds

The above documents are available for inspection and copying at the offices of the Customs Service listed below:

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300 N. Los Angeles Street
Los Angeles, California 90012

The documents are available to the public during regular business hours. A fee for copies of requested material will be charged in accordance with 31 CFR 1.6(g). (592265).

(ADM 3-03:R:E:F)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

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Nils A. Boe

Judges

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Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, October 4, 1976.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	REPORT OF ENTRY AND MERCHANDISE	
						Par. or Item No. and Rate	Par. or Item No. and Rate
P76212	Newman, J. September 27, 1976	Sandvik Steel, Inc.	7013411, etc.	Item 657.20 17% or 15% (items marked "A" and "B")	Item 600.84 7% or 6.5% (items marked "A")	Sandvik Steel, Inc. v. U.S. (C.D. 4600) (Items marked "A" and "B")	New York Shoe die knife steel, etc. (Items marked "A" and "B")
P76213	Newman, J. September 27, 1976	Sandvik Steel, Inc.	71-01030, etc.	Item 657.20 13%, 11% or 9.5% (items marked "A" and "B")	Item 600.84 6.5% (items marked "A")	Sandvik Steel, Inc. v. U.S. (C.D. 4600) (Items marked "A" and "B")	New York Shoe die knife steel, etc. (Items marked "A" and "B")
P76214	Watson, J. September 20, 1976	Deldan Design, Inc. et al.	60151778, etc.	Item 748.20 28%, 26.5%, 26% or 23.5%	Item 774.00 17%, 15%, 13.5% or 11.5%	Joseph Markovits, Inc. v. U.S. (C.D. 4386)	New York Artificial fruits and vegetables of plastic
P76215	Ford, J. September 20, 1976	WMF of America, Inc. et al.	74-7-02016, etc.	Item 653.37 9.5%	Item 653.35 8%	Morris Friedman & Co. v. U.S. (C.D. 4570, aff'd C.A.D. 1157)	New York Brass candlesticks
P76216	Watson, J. September 20, 1976	Sanyo Electric, Inc.	76-2-00340	Item 655.50 7.5%	Item 673.50 5%	Montgomery Ward & Co. v. U.S. (C.D. 4573)	Los Angeles Combination article containing a tape player

Decisions of the United States Customs Court

Abstracts Abstracted Reappraisement Decisions

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R:76/100	Ford, J. September 27, 1976	Ross Electronics Corp., Division of Interphoto Corp.	74-5-01333	Constructed value	As set forth under column heading "Constructed Value for Each Article, Net Packed" on schedule attached to decision and judgment	Judgment on the pleadings	Chicago Radio receiver sets, transistor radios, etc.
R:76/110	Watson, J. September 29, 1976	Parts Associates, Inc.	73-11-03107	Export value	Entered unit prices, not, packed	Agreed statement of facts	Los Angeles Wigs
R:76/111	Re, J. September 29, 1976	W. R. Grace & Co., Pac. Coast Div., et al.	R:58/10889, etc.	Export value	Net appraised value less 7 1/4%, not packed	U.S. v. Getz Bros. & Co. et al. (C.A.D. 9/27)	San Diego Japanese plywood
R:76/112	Newman, J. September 30, 1976	Will-o-Peep, Division of Berkley Photo, Inc.	74-7-01831	Export value	Entered values	Judgment on the pleadings	New York Zoom cameras, model 1618 super movie cameras

CUSTOMS COURT

Decision on Motion for Rehearing

SEPTEMBER 29, 1976

Inter-Maritime Forwarding Co., Inc. v. United States, Court Nos. 66/60107, etc.—ELECTRICAL ARTICLES.—C.D. 4667. Motion by plaintiff denied.

Decisions of the United States

Appreciating Key Decisionmaking Dimensions

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U.S. Customs Service

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Customs Court

Rehearing motion denied (p. 10): electrical articles, C.D. 4667

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